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Sub-Commission on Prevention of
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Item 9 of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the International Federation of Action by Christians for the Abolition of Torture (IFACAT), a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 July 1997]

Torture at the heart of the judicial process

1. The existence of a few "democratic institutions" such as have just been set up by the Peruvian Government as a result of the international pressure to which it has been subjected is not enough. True democratic progress requires actual respect for the rule of law and international instruments. To tolerate, and even encourage, the use of torture, including torture in the judicial process, frustrates any movement towards democracy.

2. As an example, IFACAT wishes to draw the attention of members of the Sub-Commission to the administration of justice in Peru, where, in this particular field, violations of human rights are growing in number. Torture has become systematic in the questioning of detainees and is practised with complete impunity by the police and the army. Conditions of detention are very harsh, and often violate prisoners' rights. Out of 20,000 detainees held in Peru, only 500 have had the right to a trial. This situation creates overpopulation in prisons, with very poor conditions as regards hygiene, health and food. The conditions of detention for political prisoners and prisoners of opinion are particularly severe (one visit a month, daily walk of 20 minutes, almost total isolation). Thirty-seven minors detained at the Minors' Rehabilitation Centre have been transferred to the high-security prison for adults at Quengoro. The Peruvian Government is in the process of correcting the judicial mistake it made with regard to the "detenidos inocentes" (prisoners charged and convicted unjustly) by granting them a presidential pardon. So far 226 detainees have been released.

3. Violations of the freedom of the press and of opinion are at present on the increase, including threats, attacks and harassment directed at journalists, owners of television channels and members of the Congress. The reason may be the recent emergence of a political opposition.